INTERNET FORM NLRB-501 (2-08)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

Case

Date Filed

NSTRUCTIONS:	05-CA-140189	11/03/2014
He an original with NLRB Regional Director for the region in which the alleged unfair labor practice of		23.05,2011
1. EMPLOYER AGAINST WHOM CHARGE a. Name of Employer	b. Tel. No. 1	*
	(202)	162-6140
Mc Daralch	c. Cell No	(***
	f. Fax No.	
d. Address (Street, city, state, and ZIP code) e. Employer Representative		
1944 14th St. NW (b) (6), (b) (7)(C) g e-Mail	
Washington, Oc 2009	h. Number of v	vorkers employed
i Type of Establishment (factory, mine, wholesaler, etc.) j. Identify principal product of	or service	,
Restaurant fad food		
k. The above-named employer has engaged in and is engaging in unfair labor practices within	the meaning of section 8(a), subsection	ons (1) and (list
subsections)	of the National Labor Relations Act, a	
practices are practices affecting commerce within the meaning of the Act, or these unfair lal within the meaning of the Act and the Postal Reorganization Act.	bor practices are unfair practices affec	ting commerce
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alle		
Between (b) (6), (b) (7)(C) and earl when I work	sed for McDonalds, 1	complained
to my managers on behalf of my comorker concerns about various unjust conditions, inch	a about elight frue	3. 1 express
concerns about various unjust andihurs, inch	aging not pand bu	maker abbushi
trols for the job, not having access to the both	knowns, and in fac	r schedoling
practices. I was discharged because of	this protected con	ocerted acti
3. Full name of party filing charge (if labor organization, give full name, including local name a	and number)	
(D) (D) , (D) (T)		
4a. Address (Street and number, city, state, and ZIP code)	4b. Tel. No	
(b) (6) (b) (7)(C)	4c Cell No	
	(b) (6),	(b) (7)(C)_
	40	_
	4e. e-Mail	
5. Full name of national or international labor organization of which it is an affiliate or constitutorganization)	lent unit (to be filled in when charge is	filed by a labor
6. DECLARATION	Tel. No.	(I) (-) (-)
I declare that I have read the above charge and that the statements are true to the best of my knowledge.	(D)(O),	(b) (7)(C)
(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)		
ntive or person making charge)	any) Fax No.	~ -
	e-Mail	_
Address (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 5 BANK OF AMERICA CENTER, TOWER II 100 S. CHARLES STREET, SUITE 600 BALTIMORE, MD 21201

Agency Website: www.nlrb.gov Telephone: (410) 962-2822 Fax: (410) 962-2198 Download NLRB Mobile App

November 6, 2014

(b) (6), (b) (7)(C)

McDonald's 1944 14th Street, N.W. Washington, DC 20009

Re: McDonald's

Case 05-CA-140189

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner Ximena P. Molano whose telephone number is (202) 273-2926. The mailing address is 1099 14th Street, N.W. Suite 6300, Washington, DC 20570-0001. If this Board agent is not available, you may contact Resident Officer Mark B. Kalaris whose telephone number is (202) 208-3076.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate. Therefore, in addition to investigating the merits of the unfair labor practice allegations, the

Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Charles L. Forner

Charles L. Posner Regional Director

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

cc: Doreen S. Davis, Esq.
Joshua Grossman, Esq.
Jones Day
222 East 41st Street
New York, NY 10017-6727

Michael S. Ferrell, Esq. Andrew G. Madsen, Esq. Jones Day 77 West Wacker Drive, Suite 3500 Chicago, IL 60601

	NATIONAL LABOR REL	ATIONS BOARD		
Revised 3/21/2011 NATIONAL LABOR RELATIONS BOARD QUESTIONNAIRE ON COMMERCE INFORMATION				
			as and identify item number	
Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number. CASE NAME CASE NUMBER				
McDonald's			05-CA-140189	
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2. TYPE OF ENTITY		I DO CONTROL I LOUVE	TD (0)	
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PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

MCDONALD'S	
Charged Party	
and	Case 05-CA-140189
(b) (6), (b) (7)(C)	
Charging Party	
AFFIDAVIT OF SERVICE OF CHARGE AGA	INST EMPLOYER
I, the undersigned employee of the National Labor November 6, 2014, I served the above-entitled doct following persons, addressed to them at the following	iment(s) by post-paid regular mail upon the
Doreen S. Davis, Esq. Joshua Grossman, Esq. Jones Day 222 East 41 st Street New York, NY 10017-6727	
Michael S. Ferrell, Esq. Andrew G. Madsen, Esq. Jones Day 77 West Wacker Drive, Suite 3500 Chicago, IL 60601	
(b) (6), (b) (7)(C) McDonald's 1944 14th Street, N.W. Washington, DC 20009	
November 6, 2014	David Smith, Designated Agent of NLRB
Date	Name
	/W David Smith

Signature



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

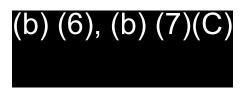
BANK OF AMERICA CENTER, TOWER II

100 S. CHARLES STREET, SUITE 600

Agency Website: www.nlrb.gov Telephone: (410) 962-2822 Fax: (410) 962-2198



November 6, 2014



REGION 5

BALTIMORE, MD 21201

Re: McDonald's

Case 05-CA-140189

Dear^{(b) (6), (b) (7)(C)}:

The charge that you filed in this case on November 03, 2014 has been docketed as case number 05-CA-140189. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner Ximena P. Molano whose telephone number is (202) 273-2926. The mailing address is 1099 14th Street, N.W. Suite 6300, Washington, DC 20570-0001. If this Board agent is not available, you may contact Resident Officer Mark B. Kalaris whose telephone number is (202) 208-3076.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlrb.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Charles L. Posner Regional Director

Charles L. Forner

Enclosure: Copy of Charge



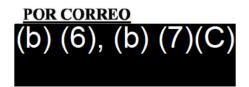
GOBIERNO DE LOS ESTADOS UNIDOS JUNTA NACIONAL DE RELACIONES DEL TRABAJO

REGION 5 1099 14 ST NW SUITE 6300 WASHINGTON, DC 20570-0001

Pagina de web: www.nlrb.gov Teléfono: (202)208-3000 Telefax: (202)208-3013

Numero directo de la Agente: (202)273-2926

El 25 de noviembre del 2014



Re: McDonald's

Caso 05-CA-140189

Estimac^{(0) (6)}(b) (6), (b) (7)(C)

Como ya sabe yo so la agente de La Junta investigando el cargo de práctica ilícita del trabajo que Ud. presento allegando que McDonald's ("la Empresa") infringió Sección 8(a)(1) de la Ley. Para conducir esta investigación es necesario recibir su evidencia incluyendo su declaración jurada. Cuando hablamos el 7 de noviembre del 2014. Ud. dijo que estabas de acuerdo de programar una cita para dar su declaración jurada el 20 de noviembre del 2014 a las 9:30 de la mañana en mi oficina en Washington, DC. No apareciste para su cita. Cuando lo llame, la persona que conteste me dijo que (b) (6), (b) (7)(C) nombre y número de teléfono y pregunté que me regresara mi llamada. No me regresaste mi llamada. Ayer, el 24 de noviembre del 2014, lo llame otra vez y deje otro mensaje preguntando que me regresara mi llamada. Todavía no me ha regresada mi llamada. Por eso estoy mandando esta carta. Como el Director de la Región ha indicado en su carta de la 6 de noviembre del 2014, es la obligación de la Parte Querellante presentar la evidencia sin demora y el deber de cooperar en esta investigación. Si Ud. no presenta la evidencia de la Parte Querellante sin demora, luego el cargo será sujeto a despido por falta de cooperación, ausente haber sido retirado por Ud. Por la tanto, estoy haciendo una cita para que Ud. de su declaración jurada.

Su cita para dar su declaración jurada es el:

Jueves, 3 de diciembre del 2014 a las 9:30 de la mañana en la oficina de La Junta descrito arriba

Por favor llámame cuando reciba esta carta para confirmar esta cita y discutir cualquier preguntas que Ud. tenga. Si Ud. no puede aparecer para la cita, debe llamarme para hacer otra cita antes del 3 de diciembre del 2014. Toda la evidencia de la Parte Querellante es debido el 3 de diciembre del 2014. Basado en las alegaciones de este cargo, su declaración puede durar

varias horas. Ud. deben estar disponibles para completar esta declaración jurada en días consecutivos, si es necesario.

Si Ud. no aparece o Ud. no me traiga la información según lo provisto, y no me hable para hacer otra cita antes del 3 de diciembre del 2014, esta oficina asumirá que Ud. no está interesada en continuar con este caso y no tiene la intención de cooperar. El resultado será la desestimación de este caso sin más investigación por esta Agencia.

Adjunto hay otro información debe revisar antes de su cita. Por favor asegúrese de presentar los documentos solicitados, y cualquier otro documento con relevancia al caso, en el momento de la cita de su declaración jurada.

Información general sobre la Junta y la Ley Nacional de Relaciones del Trabajo, incluido nuestros estándares de servicio al cliente, se pueden encontrar en nuestra pagina de web, www.nlrb.gov.

Si tiene alguna pregunta, por favor no dude en contactarme. Mi número de teléfono directo es (202) 273-2926. Gracias por su cooperación.

Atentamente,

Ximena P. Molano Ximena P. Molano Agente de la Junta

Adjunción

Case No.: 05- CA	CHARGE ASSIGNMENT SHEET (EMPLOYER)			
DATE FILED:	Case No.: 05-CA 140189 CASE NAME: Me Donal Os			
Barg Status: Dispute City:	DATE FILED: CATEGORY:			
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□ Lockout				
□ Refusal to Consider/Hire Applicant (salting only)				
□ Refusal to Reinstate Employee/Striker (e.g. Laidlaw) □ Retaliatory Lawsuit (b) (6) (b) (7)(C)	☐ Refusal to Reinstate Employee/Striker (e.g. Laidlaw) ☐ Retaliatory Lawsuit		S) (b) (7)(C)	
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□ Retaliatory Lawsuit □ Shutdown or Relocate/ Subcontract Unit Work □ Union Security Related Actions (b) (6), (b) (7)(C)		1	provided by Worl	

Data Entry Requirements for Injunction 10(j) Windows in NxGen

Injunction 10(j) Window:	Case Name:	Case Number:
Panel	Fields	Data Entry
Identification	Date Requested	
	Party Requesting	
	Sua Sponte	11/3/14
	Date Charged Party Notified	Docket Hr
Additional Comments:		

IĮ FORMACIOĮ PARA LOS TESTIGOS

Llegue a tiempo

Por favor sea puntual a su cita. Si va a llegar tarde, por favor llámame al (202) 273-2926.

Estacionamiento y Transporte Público

Hay algunos espacios de cuota disponibles en las calles adyacentes. El NLRB no pagara por su estacionamiento. También somos fácilmente accesibles a través de transporte público. La estación de Metro más cerca de nuestra oficina es McPherson Square, en las líneas Azul y Naranja.

Que puede esperar

Usted se reunirá en privado con un agente de la Junta asignado al case. Él o ella lo entrevistaran sobre las alegaciones que presenta el caso, dándole la oportunidad de explicar. El agente preparará una declaración jurada por escrito para su firma.

En la mayoría de los casos, puede anticipar que su entrevista tome de 4 a 6 horas, o más.

Traiga con usted

- Un copia del manual de empleado (si tiene);
- Cualquier comunicación escrito entre Ud. y la Empresa, incluyendo conversaciones por correo electrónico completas y archivos adjuntos, acerca de su despido de trabajo;
- Cualquier otra comunicación escrito entre Ud. y la Empresa, incluyendo conversaciones por correo electrónico completas y archivos adjuntos;
- Copias de talones de pago de por lo menos los cuatro últimos sueldos;
- Cualquier calendario, agenda, notas u otros documentos con información pertinente a los cargos, incluyendo copias de disciplinas, advertencias, o papeles de terminación del trabajo;
- Nombres, direcciones, números de teléfono, direcciones de correo electrónico de otras personas que puedan tener información pertinente a los cargos.
- Cualquier otro documento que apoye sus alegaciones.

From: carla.vega@igoldenf.com
To: Molano, Ximena P.

Subject: Fwd: RE: McDonalds 14307- Case 05-CA-140189 **Date:** Monday, December 8, 2014 11:32:31 AM

---- Forwarded message from carla.vega@igoldenf.com -----

Date: Fri, 05 Dec 2014 15:42:36 +0000

Subject: RE: McDonalds 14307- Case 05-CA-140189

To: ximena.molano@nlrb.com

Ms. Molano, as discussed during our telephone conversation, my name is Carla Vega and I am the Office Manager for McDonald's 14307 involved in the above referenced case. The owner/operator, Luis Gavignano, has delegated this case to me and I am trying to gather information on how to proceed moving forward.

My direct line is 703-323-9435, our office address is 8996 Fern Park Drive, Burke VA 22015. I hope you are able to assist me with information.

Thank you.

Carla Vega Office Manager International Golden Foods, LLC 8996 Fern Park Drive Burke, VA 22015 703-323-9433 Ext 111



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 5 BANK OF AMERICA CENTER, TOWER II 100 S. CHARLES STREET, STE 600 BALTIMORE, MD 21201

Agency Website: www.nlrb.gov Telephone: (410)962-2822 Fax: (410)962-2198

December 15, 2014

Doreen S. Davis, Esq. Joshua Grossman, Esq. Jones Day 222 East 41st Street New York, NY 10017-6727

Michael S. Ferrell, Esq. Andrew G. Madsen, Esq. Jones Day 77 West Wacker Drive, Suite 3500 Chicago, IL 60601

Ms. Carla Vega, Office Manager McDonald's International Golden Foods, LLC 8996 Fern Park Drive Burke, VA 22015-1612

> McDonald's Re:

> > Case 05-CA-140189

Dear Ms. Davis, Mr. Grossman, Mr. Ferrell, Mr. Madsen, and Ms. Vega:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

1s/ Charles L. Posner

Charles L. Posner Regional Director

(b) (6), (b) (7)(C)

McDonald's 1944 14th Street, N.W. Washington, DC 20009

(b) (6), (b) (7)(C)